

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 99-2384

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Gregory P. Vrban,

Appellant,

v.

Deere & Company,  
doing business as  
John Deere Company

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* Southern District of Iowa.

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\* [UNPUBLISHED]  
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Submitted: December 17, 1999  
Filed: December 23, 1999

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Before BEAM, HEANEY, and HANSEN, Circuit Judges.

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PER CURIAM.

Gregory P. Vrban appeals from the district court's<sup>1</sup> order granting Deere & Company's (Deere) motion for summary judgment. See Fed. R. Civ. P. 56. Vrban alleges that Deere constructively discharged him in retaliation for filing a workers' compensation claim. Vrban asserts that such a retaliatory constructive discharge violates Iowa law. Deere argues that although Iowa law recognizes a claim for

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<sup>1</sup>The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa.

retaliatory discharge, it does not recognize a claim for retaliatory constructive discharge.

Without deciding the question of whether Iowa law recognizes a claim for retaliatory constructive discharge, the district court examined the requirements for a cognizable claim of retaliatory discharge as recognized by Iowa law. See Teachout v. Forest City Community Sch. Dist., 584 N.W.2d 296, 299 (Iowa 1998). The district court found that Vrban failed to present sufficient facts to support a claim for retaliatory discharge under Iowa law and, accordingly, granted summary judgment in favor of Deere. We review de novo a district court's summary judgment determinations. See Amir v. St. Louis Univ., 184 F.3d 1017, 1024 (8th Cir. 1999).

We have considered the entire record and Vrban's arguments on appeal, and we conclude that the district court committed no error in granting summary judgment to Deere. We affirm on the basis of the reasons set forth in the district court's order. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.